

REMARKS

The applicants appreciate the Examiner's thorough examination of the Application and request reexamination and reconsideration of the Application in view of the following remarks.

The Examiner has objected to the specification and states that the status of the parent application, serial no. 10/632,717, cited on the first page of the specification needs updating. Applicants respectfully assert that the status of the parent application as currently known by Applicants is up-to-date. Applicants will update the status of the parent application when they become aware of a change in this information. Applicants respectfully request that the Examiner withdraw this objection to the specification.

Claims 1-70 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-45 of co-pending Application No. 10/632,717. Applicants herein submit a terminal disclaimer to overcome this provisional rejection. Applicants respectfully request that the Examiner withdraw this rejection of claims 1-70.

Claims 32 and 61 stand rejected under 35 USC §101 because the claimed invention is allegedly directed to non-statutory subject matter, specifically a person.

Claims 32 and 61 do not actually recite a person as a limitation. Independent claims 1 and 33, from which claims 32 and 61 respectively depend, each recite a rover in the preamble and each recite various features including a housing that is configured to be transported by the rover. Claims 32 and 61, which each recite that the rover can be a person, thus specify that the housing of the compact navigation system is configured to be transported by a person. Therefore, claims 32 and 61 do not include limitations directed to

a person or to non-statutory subject matter.¹

Applicants respectfully request that the Examiner withdraw the rejections of claims 32 and 61 under 35 USC §101.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,

A handwritten signature in cursive script, reading "David W. Poirier", written in black ink.

David W. Poirier
Reg. No. 43,007

¹ This situation is analogous to a claim for a backpack worn by a person. The backpack is clearly patentable subject matter even though it is carried by a person.